

Mr. Michael Stewart
Engineering Associate
KDHE/BAR
Forbes Field, Building 283
Topeka, KS 66620-0001

Dear Mr. Stewart:

The following initial comments/questions are in regard to the proposed Class 1 Title V operating permit for Colorado Interstate Gas Company - Hugoton #5 Compressor Station located in Hamilton County, Kansas (source ID no. 0750009). The EPA would like to note that the agency does not consider the application an integral part of the operating permit. If there is something in the application that needs to be in the permit, it must be incorporated (or at least referenced) in the permit itself. The following comments from EPA Region VII are as follows, with potentially significant problems marked with an asterisk:

1) On page 5, #1, opacity requirements, we agree that no visible emissions compliance demonstrations/records are necessary if burning natural gas. However, we would like the following stipulation included under limitations in Table A: No other fuels are to be burned other than pipeline grade natural gas in the engines. Also, it was noted that in an 8/97 inspection report that the company has a regularly scheduled maintenance plan. This could be listed under recordkeeping in Table A. Something to the effect that the owner/operator maintain records of all routine or other maintenance, malfunctions or repairs for each engine or tank.

You may want to revise the section on "opacity compliance demonstration" on page 8 to reflect the above comments.

2) On pages 5 & 7, under "applicable requirements", 40 CFR Part 68 is listed as an applicable requirement even though as of the effective date of this permit, the source certified that Part 68 did not apply. Usually, for 112(r), the source is subject or it isn't. If it isn't, an explanation in the statement of basis would suffice. It should probably not be listed as an applicable requirement.

Related to this are the inclusion of Part 82 and Part 61, Subpart M, as applicable requirements. These were also certified as not applying to the source in the application and also listed in the Statement of Basis as not applicable. Usually, most sources have asbestos and at least use CFC's and they are included as applicable requirements even though any work with these substances may not occur during the life of the permit or maybe only on an intermittent basis. If it is known that there is absolutely no asbestos at the source and if absolutely no sections of Part 82 apply (especially "use" of CFC's), they probably should not be listed as applicable requirements. Again, explanations in the Statement of Basis would be appropriate.

3) On page 8, under "requirements which will become applicable during the permit term", this item could probably be included in the Statement of Basis as any rules stated are not presently applicable requirements. It is basically informative. However, past permits have included this section in the permit itself and it does not present a significant problem. However, you might include verbiage like the following (used in previous permits) after the first sentence: "The owner or operator shall timely comply with the requirements applicable to that stationary source as specified in the final rules implementing the Stationary Internal Combustion Engines standard including the relevant provisions of 40 CFR Part 63, Subpart A, General Provisions." This basically says what your second sentence says and includes complying with Part 63 General Provisions.

* 4) On page 8, "temporary replacement of internal combustion engines." This section has been radically altered from what was in the General Permit for gas compressor stations and causes us significant concern. One, the temporary period was changed from "six months or less" to "not to exceed two years." Also, all of the recording, monitoring and notification requirements have been replaced by references to construction permits at K.A.R. 28-19-300(a) & (b). The whole section has been considerably relaxed. In addition, CIG has suggested to remove the two year limit and just call it "replacement" instead of "temporary replacement" of IC engines. The CIG suggestion would be out of the question.

As we understand it, this provision was included in the General Permit for gas compressor stations to cover basically emergency situations where loss of an engine is critical and immediate replacement with a similar unit is critical. We feel that this section in the General Permit is appropriate and should be used for this permit also. We definitely feel that the time limit should be six months or less keeping in line with

emergency-type temporary situations. Any general replacement of engines is addressed by section 14 on page 14 of the permit referring to K.A.R. 28-19-300 on construction permits. If CIG or KDHE does not agree with this, we would request removal of this section from the permit. This section from the general permit (if used) may need minor changes where it refers to the general permit or where certain recording/monitoring requirements may not apply to the CIG permit.

* 5) On page 8, the "permit shield" apparently is causing some problems. The letter enclosed from CIG requests a shield for non-applicable requirements as well as applicable requirements. Your answer was that it couldn't legally be done. We believe that it is legal and can be done. We have approved permits in other states that have done this. KDHE, of course, does not have to provide a shield for non-applicable requirements if they so choose.

The way the shield is presently stated, it has both applicable and non-applicable requirements combined in the first paragraph. If you provide a shield for applicable requirements, it should specifically include only the applicable requirements that are listed on page 5. For instance, the Kansas regs for PM and indirect heating are currently included in shield but are not applicable requirements. The same for the Part 60 regs for storage tanks.

If you choose to also provide a shield for non-applicable requirements, you could start a new paragraph saying KDHE has determined that the following requirements are not applicable to the source, then cite the specific requirements that do not apply and a short reason why. Because all of these requirements are probably already included in the Statement of Basis in more detailed fashion, the reason stated in the permit can be very short and concise.

The second paragraph in draft permit would remain.

6) On page 9, under "testing, monitoring, recordkeeping and reporting," include the word "testing" in first sentence.

7) On page 10, under "general provisions" #1(a) and (b), should the references be only to K.A.R. 28-19-50 as that is only applicable SIP emission limit?

8) On page 10, under "general provisions" #2, K.A.R. 28-19-752 is currently being replaced by K.A.R. 28-19-752a. Should the phrase "to be replaced by K.A.R. 28-19-752a upon amendment of the SIP" be included in parentheses directly after the current cite to show that it is being revised?

9) On page 11, under "general provisions" #7, is this section necessary? Seems repetitive but probably ok. There is a section on page 9 involving TMR&R. The first sentence in #7 could be included as the first line in that section on page 9 also. The next two sentences about certification by a responsible official could be moved or copied to the compliance section, #8, part b. There is a reminder of the certification by a responsible official requirement also on page 14 under "submissions." All references to certification by a responsible official should be consistent and based on 70.5(d) language. The language in #7 "reporting," page 11, is good except the word "corporate" is not used in 70.5(d).

10) On page 11, under "general provisions" #8, could this be split into two sections (compliance & compliance certification) as was done in the general gas compressor permit? The "compliance" section would be part (a) as it is written. The compliance certification section could be as in the general gas compressor permit which we feel is a better description. This is basically #8 part(b) plus responsible official certification language as discussed in comment 9 and schedule of compliance requirements (if applicable). A separate section with the compliance certification heading would stand out more and be less likely to be overlooked.

Also, in the compliance/certification section where you mention when the first and subsequent compliance certifications are due, the instructions could be clarified. An example would be from the UCB Cello permit where it is stated as such: "The due date of the certification is June 15 of each year, beginning June 15, 1999, for the period May 15, 1998, to May 15, 1999."

Also under #8 "compliance", in regard to CIG's comment to delete the second sentence of part (a). Both the first and second sentences of this statement have been in previous permits and come directly from Part 70.6(a)(6)(i). The request by CIG should be denied.

CIG also wanted to amend the sentence in part (a) regarding all conditions being federally enforceable. We might suggest using language from 70.6(b) such as: "All permit terms and conditions are federally enforceable. The PA shall specifically designate as not being federally enforceable under the Act any terms and conditions included in the permit that are not required under the Act or under any of its applicable requirements." (i.e., state only requirements).

11) On page 13, #11 "permit amendments"....etc., should this be referenced to K.A.R. 28-19-513 as was done in a response letter to earlier CIG comments?

12) On page 14, #16 "submissions", use same language in middle paragraph as used on page 11, #7 "reporting." Base it on 70.5(d) and be consistent. Instead of "All documents submitted" use "Any document required to be submitted in accordance with this permit" as used on page 11, #7.

13) As far as the comments from CIG, you mentioned that you didn't think you would make any changes. Here are our thoughts:

- Bullets 1 & 2 - At your discretion
- Bullet 3 - The language used is directly from SIP and general permit, don't see need for change.
- Bullet 4 - have discussed in comment 4
- Bullet 5 - As all compressor sources are basically remote, don't see why we should change time requirements from those in general permit.
- Bullet 6 - have discussed in comment 10
- Bullet 7 - see bullet 5; emergencies should be reported promptly, 5 days is too long.

14) The Statement of Basis section on "potential applicable requirements" may need some revisions depending on some of the above comments and any revisions that may be made.

In # 1, are you aware of any changes or modifications to any of the tanks which may alter their non-applicability?

Some changes may be dictated by how you provide the permit shield as discussed in comment 5 and by what are considered applicable requirements as discussed in comment 2. For instance, Parts 68 and/or 82 may or may not be included as applicable requirements.

If Part 61, Subparts M (for asbestos) and A (G.P.) remain as applicable requirements, this should be noted as such in #8. Currently, it says they do not apply.

In # 10, enhanced monitoring, as such, is no more. It is replaced by Periodic Monitoring (PM) which applies to all emission points within a stationary source that have an applicable requirement and Compliance Assurance Monitoring (CAM) which applies only to controlled units with pre-control device emissions above major source thresholds within a major stationary source. PM would include any emission points subject to CAM, although it is likely that CAM monitoring would fulfill PM requirements. This source would not be subject to CAM. It would not have any significant PM requirements because the engines burn natural gas.

15) It is recommended that KDHE formulate some general language to include in their Class 1 permits to address the use of any credible evidence in determining compliance or non-compliance. It could be included in the "general provisions" section of the permits. EPA may come out with some boilerplate language. If so, we would forward that info to you. It is not a particular issue with this permit, but may be in future permits.

This is the initial formal EPA comment letter on the proposed Title V permit for this source which was received by EPA on June 3, 1998. These comments were faxed to KDHE on July 17, 1998, in order to meet the 45-day comment period deadline. The comments in both communications are the same. If there are any questions or if you wish to discuss any of these comments, please contact Gary Schlicht at (913) 551-7097.

Sincerely,

Donald C. Toensing
Chief
Air Permitting & Compliance Branch